
To: NORIT Americas Inc. (Trademarks@pogolaw.com)

Subject: TRADEMARK APPLICATION NO. 78236792 - VAPURE - 1426-2-5

Sent: 11/15/2005 4:28:38 PM

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[Important Email Information]

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 78/236792

APPLICANT: NORIT Americas Inc.

CORRESPONDENT ADDRESS:

Jason A. Bernstein
Powell Goldstein LLP
14th Floor-One Atlantic Center
1201 W. Peachtree St., NW
Atlanta GA 30309-3488

RETURN ADDRESS:

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

MARK: VAPURE

CORRESPONDENT'S REFERENCE/DOCKET NO: 1426-2-5

CORRESPONDENT EMAIL ADDRESS:

Trademarks@pogolaw.com

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

OFFICE ACTION

Serial Number 78/236792

The Commissioner for Trademarks has reinstated/revived this application. The Office records have been searched again and no similar registered or pending mark has been found that would bar registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d). TMEP §704.02.

This letter responds to the communication filed on October 31, 2005. The examining attorney withdraws the FINAL refusal as to Registration No. 2348015. The amended identification is acceptable.

Upon careful review of the request for reconsideration, the trademark examining attorney finds the arguments set forth therein unpersuasive and determines that no new issue has been raised and no new compelling evidence has been presented with regard to the point(s) at issue in the final action as to Registration No. 1794226; the prior examining attorney arguments and evidence of record are incorporated herein by reference. TMEP §715.03(a). Additional evidence is attached to this action. See the attached evidence. The FINAL refusal as to Registration No. 1794226 is therefore continued. The applicant is respectfully reminded that if there is time remaining in the response period, the applicant has the remainder of the response period to comply with any outstanding requirement and/or

to appeal.

A copy of the FINAL Office action along with any supporting documents, can be viewed and downloaded online at <http://portal.uspto.gov/external/portal/tow>. Enter the serial number of this application in the box labeled NUMBER and click on the SUBMIT button. The Office action can then be viewed by clicking the link labeled "Office Action Outgoing" next to the Mail/Create Date of January 31, 2005 in Trademark Document Retrieval (TDR).

/Brian Pino/
Examining Attorney
Law Office 114
571.272.9209
571.273.9114 Law Office Facsimile

Note:

In order to avoid size limitation constraints on large e-mail messages, this Office Action has been split into 5 smaller e-mail messages. The Office Action in its entirety consists of this message as well as the following attachments that you will receive in separate messages:

Email 1 includes the following 11 attachments

1. a-01
2. a-02
3. a-03
4. a-04
5. a-05
6. a-06
7. a-07
8. a-08
9. a-09
10. a-10
11. a-11

Email 2 includes the following 12 attachments

1. a-12
2. a-13
3. a-14
4. a-15
5. a-16
6. b-1
7. b-2
8. b-3
9. c-1
10. c-2
11. c-3
12. c-4

Email 3 includes the following 6 attachments

1. d-01
2. d-02
3. d-03
4. d-04
5. d-05
6. d-06

Email 4 includes the following 6 attachments

1. d-07
2. d-08
3. d-09
4. d-10
5. d-11
6. d-12

Email 5 includes the following 5 attachments

1. d-13
2. d-14
3. e-1
4. e-2
5. e-3

Please ensure that you receive all of the aforementioned attachments, and if you do not, please contact the assigned-examining attorney.